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## TRANSMITTAL FORM

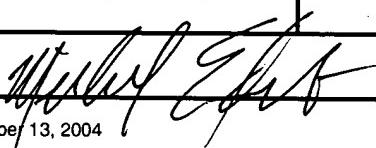
(to be used for all correspondence after initial filing)

		Application Number	10/014,671
		Filing Date	December 11, 2001
		First Named Inventor	Ryan J. Schoenefeld
		Art Unit	3731
		Examiner Name	D. Jacob Davis
Total Number of Pages in This Submission	12	Attorney Docket Number	5490-000266

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)		
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences		
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)		
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information		
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter		
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>		
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<b>Comments on Statement for Reasons for Allowance; return postcard.</b>		
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____			
<input type="checkbox"/> Certified Copy of Priority Document(s)				
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application				
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53				
<table border="1"> <tr> <td>Remarks</td> <td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750.</td> </tr> </table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750.
Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750.			

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Michael E. Hilton	Reg. No. 33,509
Signature			
Date	October 13, 2004		

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Michael E. Hilton	Express Mail Label No.	EV 406 076 547 US (10/13/2004)
Signature		Date	October 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 406 076 547 US



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/014,671

Filing Date: December 11, 2001

Applicant: Ryan J. Schoenefeld

Group Art Unit: 3731

Examiner: D. Jacob Davis

Title: METHOD AND APPARATUS FOR USE OF A GUIDE  
WIRE CAPTURING SURGICAL INSTRUMENT

Attorney Docket: 5490-000266

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Director of The United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

Applicants gratefully note the allowance of Claims 1-8, 13, and 16-20 in the present patent application. While Applicants believe the claims are allowable, Applicants believe that the statement of reasons for allowance in this case is improper. As to each of independent claims 1 and 16, the Examiner's statement of reasons for allowance is that the prior art fails to disclose or suggest all of the limitations of these claims including some specifically identified features. Thus, this statement is ambiguous in that it suggests that each of the limitations of the independent claims are required for patentability while also implying that only specific limitations are important

with respect to patentability. As to the implication that every limitation of these claims is important to patentability, Applicants do not acquiesce that patentability resides in each identified feature or combination of features or that each feature of combination of features as recited in the claims is required for patentability, or that equivalence of any of the recited features are outside the scope of the claims. With respect to the implication that only the identified features are important to establishing patentability, Applicants do not acquiesce that patentability resides only in the specifically identified feature or that such feature is required for patentability, or that equivalence of the specified features are outside the scope of the claims. Moreover, to the extent the reasons for allowance do not separately address the additional subject matter of the remaining claims (Claims 2-8, 13 and 17-20), Applicants do not acquiesce to any inference that these claims do not present patentable subject matter independent of the patentability of the independent claims.

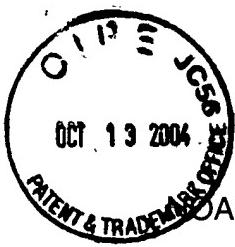
Respectfully submitted,

Dated: Oct 13, 2004

By:   
Michael E. Hilton, Reg. No. 33,509

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Date: September 8, 2004  
Application No.: 10/014,671  
Filing Date: December 11, 2001  
Applicant: Ryan J. Schoenefeld  
Group Art Unit: 3731  
Examiner: D. Jacobs Davis  
Title: METHOD AND APPARATUS FOR USE OF A GUIDE  
WIRE CAPTURING SURGICAL INSTRUMENT  
Attorney Docket: 5490-000266

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Director of The United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**TRANSMITTAL OF FORMAL DRAWINGS**

Sir:

Enclosed for filing are six (6) "Replacement Sheets" including formal drawings (Figs. 1-12) for the above-identified patent application. Applicant respectfully requests that the enclosed FORMAL DRAWINGS replace the most recent drawings filed with the application.

Respectfully submitted,

Date: 13 OCT 2004

By: 

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